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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

TERESA JEAN MILLER,

Defendant and Appellant.

A104280

(Alameda County
Super. Ct. No. CH-31399)

After a court trial, appellant Teresa Jean Miller was convicted of possession of at least 57 grams of methamphetamine for sale. (See Health & Saf. Code, § 11378; see Pen. Code, § 1203.073, subd. (b)(2).) Placed on probation for five years after the trial court concluded that this was an unusual case in which probation was warranted in the interests of justice, Miller appeals. She contends that the trial court erred in denying her pretrial motions to disclose the identity of a confidential informant (CI) and to suppress evidence seized at her home. (See Evid. Code, § 1042; Pen. Code, § 1538.5.) We affirm the judgment.

I. FACTS

Sometime between July 12 and July 16, 2001,¹ Alameda County Deputy Sheriff Raymond Kelly met with a CI who told him that a woman named Paulette sold methamphetamine from her home at a specific address on Paradise Drive in

¹ All calendar dates refer to the 2001 calendar year unless otherwise indicated.

Hayward. The CI told Kelly that he or she had purchased methamphetamine from her five times in the past three months and made a successful controlled purchase of methamphetamine from her residence while under Kelly's watch. On July 16, Kelly filed an affidavit for a warrant to search Paulette Pereira and the Paradise Drive residence. He cited his reasons for believing that there was probable and reasonable cause to believe that methamphetamine and items used to package this substance for sale would be found there. The same day, a judge issued the warrant to search Pereira and the Paradise Drive home.

Approximately 6:00 p.m. on July 25, Kelly and other uniformed Alameda County sheriff deputies executed the warrant. He saw a man and several children through the open door to the residence.² Kelly entered the house, announcing that he had a search warrant. Pereira appeared and she was detained. Kelly searched her, found a baggie containing what appeared to be 1.0 grams of methamphetamine in her pocket, and arrested her for possession of methamphetamine.

When Kelly stepped outside the residence to retrieve a camera from his vehicle, he saw that several neighbors had gathered, apparently curious about what was going on. Two men pointed out a green car that was passing the house, telling officers that a woman in the vehicle also lived in the house being searched. Two other sheriff's deputies followed the green car in their vehicles. The green car was found with two women inside it parked at a gas station within a mile of the house. The driver—Claudia Barker—got out of the car and spoke with one of the deputy sheriffs. When questioned, Barker admitted that she had just driven off of Paradise. She produced identification for police. Teresa Miller remained in the passenger seat. A deputy sheriff asked her for identification and she produced it from her purse. On request, Miller also got out of the car.

² Three sisters—Paulette and Patty Pereira and appellant Teresa Miller—occupied the house with their children.

Back at the house, Kelly was notified of Miller's detention. During the pursuit of the green car, Kelly had returned to the house and had begun searching a bedroom containing indicia for Miller. He found a shoebox on a computer desk, opened it, and found a small amount of methamphetamine. When he learned that Miller was being detained, he ordered that she be arrested and brought back to the house. On Kelly's instruction, a deputy sheriff arrested and handcuffed Miller, placed her in a patrol car with her purse and drove her back to Paradise Drive. No weapons were found on Miller.

During Kelly's continued search of Miller's bedroom, he found a locked floor safe. When she arrived at the house, he spoke with Miller and searched her purse. He found keys, a pager, over \$650 in cash and Miller's driver's license. Using one of the keys, Kelly opened the safe, which smelled of methamphetamine. It contained 70.2 grams of a substance that he suspected was methamphetamine. He found an envelope addressed to Miller inside the safe. Kelly also found a large number of plastic baggies and a functioning electronic, digital scale containing traces of methamphetamine in her bedroom. Based on this evidence, he concluded that Miller possessed the methamphetamine for sale. Kelly arrested Miller for possession of methamphetamine for sale.³

Pereira later denied that anyone in the house sold methamphetamine. She told the deputy sheriff that the methamphetamine found in her pocket was given to her by a friend who owed her money. Miller declined to give police a statement. Kelly later testified that Miller was not named in the warrant and that he did not believe that Miller was on probation at the time of the search.

Miller challenged the search of her home, moving to suppress the evidence seized as a result of that search. (See Pen. Code, § 1538.5.) In January 2002, after a

³ The evidence relating to the execution of the search warrant is taken from pretrial transcripts rather than the evidence Kelly offered at trial because Miller challenges the denial of her pretrial motions.

hearing on the suppression motion, it was denied and Miller was held to answer on the narcotics charge. In February 2002, an information charged Miller with possession of methamphetamine for sale. It also alleged that she possessed at least 57 grams of methamphetamine, making her ineligible for probation if the weight clause were found to be true. (See Health & Saf. Code, § 11378; Pen. Code, § 1203.073, subd. (b)(2).)

In December 2002, Miller moved to compel disclosure of a CI or, in the alternative, to dismiss the information. The motion was denied in January 2003. (See Pen. Code, § 995.) That same month, she renewed her motion to suppress evidence. (See Pen. Code, § 1538.5, subd. (i).) In February 2003, the renewed suppression motion was also denied.

In August 2003, Miller waived her right to a jury trial. At the court trial, she testified that she and Pereira had a volatile relationship because her sister was selfish and self-centered. Her sister had a lot of “lowlife[]” friends. Miller was the reliable sister. She took in family members who needed a place to live and made sure that the children were fed. She had custody of her mildly retarded grandson and was trying to care for all four children who lived in her home.

Miller told the trial court that she saved coins in baggies because she believed that they were kept in better shape that way.⁴ She kept her coins in her safe, dropping them into a slit in the top. She did not keep methamphetamine there. She did not need to open the safe. She had last looked inside the safe two weeks to two months before the warrant was executed. The safe had once had two keys—one was missing. The lock on her bedroom door did not work. Other members of her family often stored things in her bedroom.

⁴ A friend of Miller’s testified that she had seen inside the safe a few months before the arrest and saw jewelry, coins and envelopes inside it. There were no drugs inside.

Miller told the trial court that someone gave her a scale; she honestly did not know why she kept it, since it “was nothing but trouble.” She had a pager because she did not have a telephone and her children needed to be able to reach her. The cash in her purse belonged to her son, who gave it to her to hold it for him.⁵ Miller denied knowing that there was any methamphetamine in her room. Whatever drugs were in the safe were not hers. She could guess about whose drugs they were, but she did not want to incriminate her sister. Miller broke down on the stand when asked if she had discussed the charges against her with her family. Her attorney suggested that she was embarrassed by the charges.

The trial court also had evidence that Miller and Barker drove by the house on the day of the arrest with Miller’s grandson whom they had taken to counseling. They saw some “weird people”—presumably Pereira’s unsavory friends—there. Miller’s grandson was with them and the two women decided to drive on to the store. Barker testified that she did not want to deal with Pereira’s friends. After Miller was arrested, Barker returned to the house with Miller’s grandson. Barker took all four children to her home afterward to get them away from the house. Barker testified that she and Miller had been friends for 30 years; she had never seen Miller with any drugs or known her to have a drug problem.

After a court trial, she was convicted of the charged offense and the weight clause was found to be true. In October 2003, the probation report noted that Miller was statutorily ineligible for probation absent unusual circumstances, which the probation officer suggested might exist in this case. The report cited Miller’s insignificant criminal history, the fact that she appeared to pose no threat to the community, her acceptance of her responsibility for allowing Pereira to place items in her safe, her age and her involvement in raising a mentally challenged teenage grandson. (See Pen. Code, § 1203.073, subd. (b)(2).) Miller’s attorney argued for a term of probation rather than time in custody. Miller herself testified that she was in

⁵ Miller’s son also testified that he gave this money to his mother to hold for him.

the process of evicting Pereira from her home. The trial court concluded that this was an unusual case in the interests of justice warranting probation. It suspended imposition of sentence and granted Miller a five-year term of probation.

II. DISCLOSURE OF CI'S IDENTITY

Miller first argues that her conviction should be reversed because the trial court erred in denying her motion to disclose the identity of a CI. She contends that the trial court erred by not conducting an in camera examination of the CI at which she believes the trial court would have learned exculpatory evidence. (See Evid. Code, § 1042, subd. (b).) In the trial court, Miller argued that the CI could have provided evidence implicating Pereira and thus exonerating herself. Specifically, she asserted that the CI could have testified that Pereira—not Miller—sold him methamphetamine by going to the safe, opening it up and getting the drugs. The trial court ruled that because law enforcement officials recovered the safe key from Miller and was able to open the safe with it, the CI would not be a material witness with respect to the issues relevant to this case. Thus, it declined to hold an in camera hearing with the informant present.

On appeal, Miller argues that she met her initial burden of producing evidence that the CI could be a material witness on the issue of guilt and thus challenges the trial court with error for failing to conduct an in camera hearing on her motion to disclose. She argues that because the trial court did not conduct an examination of the CI, it did not learn of exculpatory evidence demonstrating that she was not guilty of possession of methamphetamine for sale. By failing to allow her to discover this evidence from the CI, Miller reasons that she was deprived of her federal due process right to disclosure of exculpatory evidence. (See U.S. Const., 14th Amend.)

A public entity enjoys a privilege to refuse to disclose the identity of a person who has furnished to a law enforcement official information purporting to disclose a violation of law. Disclosure of a CI's identity is not required because it is deemed to be against the public interest if the need to preserve the informant's confidentiality outweighs the need for disclosure in the interests of justice. (Evid. Code, § 1041,

subds. (a)(2), (b)(1).) When a party in a criminal proceeding demands disclosure of a CI's identity on the ground that the informant is a material witness on the issue of guilt, the court must conduct a hearing at which all parties may present evidence on the issue of disclosure. The prosecutor may request an in camera hearing under certain circumstances. The trial court has no authority to order disclosure of the CI's identity or dismiss the criminal proceedings unless it concludes that there is a reasonable possibility that nondisclosure might deprive the defendant of a fair trial. (Evid. Code, § 1042, subd. (d); see *People v. Oppel* (1990) 222 Cal.App.3d 1146, 1152; see *People v. Lawley* (2002) 27 Cal.4th 102, 159, cert. den. *sub nom. Lawley v. California* (2002) 537 U.S. 1073; *Price v. Superior Court* (1970) 1 Cal.3d 836, 842-843.)

On appeal, the standard of review of the trial court's determination that the CI was not a material witness and its resulting decision not to hold an in camera hearing to examine that informant is unsettled. It may be one for an abuse of discretion or it may be de novo review. (*People v. Gordon* (1990) 50 Cal.3d 1223, 1245-1246, cert. den. *sub nom. Gordon v. California* (1991) 499 U.S. 913, disapproved on another ground in *People v. Edwards* (1991) 54 Cal.3d 787, 835, cert. den. *sub nom. Edwards v. California* (1992) 506 U.S. 841; see *People v. Hobbs* (1994) 7 Cal.4th 948, 971 [federal courts review for abuse of discretion].)

Regardless of which standard of review we should apply, we find that the trial court did not err in finding that the CI could not offer material evidence on Miller's guilt, by declining to hold an in camera hearing, or by denying the motion to disclose the identity of the CI. (See, e.g., *People v. Gordon, supra*, 50 Cal.3d at p. 1246.) The defendant bears the burden of making a sufficient showing that the CI has information that may be material to the defendant's guilt such that an in camera examination of the CI is appropriate. (*Ibid.*; *People v. Oppel, supra*, 222 Cal.App.3d at p. 1152; see *People v. Fried* (1989) 214 Cal.App.3d 1309, 1314-1315; *People v. Lee* (1985) 164 Cal.App.3d 830, 835.) The defendant meets the burden of demonstrating materiality when he or she offers some evidence that a reasonable

possibility exists that the CI could give evidence on an issue of guilt that might result in the defendant's exoneration. (*People v. Lawley, supra*, 27 Cal.4th at p. 159; *People v. Gordon, supra*, 50 Cal.3d at p. 1246; *People v. Luera* (2001) 86 Cal.App.4th 513, 525-526; *People v. Austin* (1994) 23 Cal.App.4th 1596, 1610, disapproved on another point in *People v. Palmer* (2001) 24 Cal.4th 856, 861, 867, cert. den. *sub nom. Price v. California* (2001) 532 U.S. 1055; *People v. Oppel, supra*, 222 Cal.App.3d at p. 1152; *People v. Lee, supra*, 164 Cal.App.3d at p. 835.)

The existence of a reasonable possibility is determined on a case-by-case basis. (*People v. Austin, supra*, 23 Cal.App.4th at p. 1610.) However, this showing must rise above the level of unreasonable speculation to the relatively low level of reasonable possibility. (*People v. Luera, supra*, 86 Cal.App.4th at p. 526.) The defendant will have difficulty meeting this burden of proof when the CI was not a percipient witness to the crime charged. In such circumstances, the possibility that the CI could offer material evidence exonerating the defendant is typically speculative. (*People v. Austin, supra*, 23 Cal.App.4th at p. 1610; *People v. Lee, supra*, 164 Cal.App.3d at pp. 836-837 [CI was not material witness on issue of possession when overwhelming evidence of possession already established]; see *People v. Luera, supra*, 86 Cal.App.4th at p. 526.)

When a defendant is charged with constructive possession of narcotics imputed by police discovery of contraband in a specific location, the disclosure of a nonparticipant who was not an eyewitness to the charged crime is required only if the CI has experienced a very recent observation of contraband at that location at a time at which the defendant was not or may not have been present. (*People v. Fried, supra*, 214 Cal.App.3d at p. 1316.) A lapse of five days between a CI's observations and the search revealing possession of narcotics has been held to render the CI's observation insufficiently recent to justify disclosure of his or her identity. In these circumstances, concealment of the CI's identity could not possibly deprive the defendant of a fair trial. (See *ibid.*)

Another factor tending to make the proffered evidence speculative is the passage of time between the observations that the CI made and a later-committed offense. (See *People v. Austin*, *supra*, 23 Cal.App.4th at p. 1610.) Miller was charged with a possessory offense, not with sale of narcotics. Illegal possession of drugs is an immediate offense. The charge against her was based on constructive possession of methamphetamine found in the safe to which she had the key. The charge was thus based on circumstances occurring at or near the time of arrest. When no facts establish the presence of the CI at the scene of the search and arrest, there is not a reasonable possibility that he or she could offer evidence bearing on the defendant's guilt or innocence of the possession charge. (See, e.g., *People v. Fried*, *supra*, 214 Cal.App.3d at pp. 1316-1317.) In this case, there is no evidence that the CI was present at the search and arrest, or that he or she had recently been at the Paradise Drive house. Nine days had elapsed between the CI's controlled buy of methamphetamine from Pereira and Miller's constructive possession of the large amount of methamphetamine that was found locked in her bedroom safe. This lapse of time contributes to our conclusion that it was not reasonably possible that the CI could have offered material evidence on the issue of guilt on the possession charge.

Miller believes that the CI might have been able to testify that Pereira entered the safe in Miller's bedroom to make the methamphetamine sale referenced in the search warrant affidavit. Impliedly, she reasons that if the CI had been examined in camera, he would have offered evidence that she was innocent of the offense of possession of methamphetamine for sale. We disagree with her reasoning. The element of possession requires proof that the defendant exercised dominion and control over the item possessed. (*People v. Cordova* (1979) 97 Cal.App.3d 665, 669.) Miller's possession of a key may allow a trier of fact to infer that the defendant had possession of the contents of the locked safe secured by that key. (See *People v. Arline* (1970) 13 Cal.App.3d 200, 202, disapproved on another ground in *People v. Hall* (1986) 41 Cal.3d 826, 834.) This is not a case in which drugs were found in plain view and an issue arose about who possessed them. (See *Honore v. Superior*

Court (1969) 70 Cal.2d 162, 166, 169.) In this matter, methamphetamine was found in a locked safe in Miller's bedroom and she possessed the only key to the safe. We may infer dominion and control of the items contained within the locked safe in her bedroom from Miller's possession of the key.

Even if she could establish that Pereira had access to the safe, Miller also had access to it. Even if the methamphetamine found in the safe belonged to Pereira, Miller also had constructive possession of the methamphetamine contained inside it because the safe was in her room and she had the only known key to it. It is possible for two persons to simultaneously have possession of a single res even if one of them holds the key to it. (See *People v. Jones* (1996) 42 Cal.App.4th 1047, 1053-1054.) As the evidence Miller sought to elicit from the CI could not have negated the essential element of her constructive possession of the methamphetamine found in her safe, we conclude that the CI would not have been a material witness on the issue of guilt. Thus, whether we review the trial court's decision for an abuse of discretion or we determine anew the materiality question, we conclude that the trial court properly denied the motion to disclose the CI's identity. (See Evid. Code, § 1042, subd. (b).)

III. SUPPRESSION OF EVIDENCE

A. Trial Court Rulings

Miller also contends that the trial court erred in denying her motion to suppress evidence seized during the search of her bedroom. She argues that she was linked to the methamphetamine⁶ that Kelly found in there only after she was detained by other deputy sheriffs who stopped Barker's car. She asserts that those deputies had no reasonable basis to stop that vehicle and detain her. Thus, she reasons, the

⁶ In her opening brief, Miller asserts that the safe contained cocaine. In fact, it contained methamphetamine. We consider her claim of error as if she argued that the controlled substance that she seeks to suppress was methamphetamine.

detention was illegal and the subsequent search of her bedroom and arrest were also illegal.⁷ (See U.S. Const., 4th & 14th Amends.; Pen. Code, § 1538.5.)

In the trial court, Miller moved to suppress evidence seized as the result of the search of her home, but the trial court denied her motion. When denying her first suppression motion in January 2002, the trial court ruled that the deputy sheriff was on the premises legally under the authority of a search warrant and that there was no evidence that the bedroom door was locked, effectively negating any claim that Miller had a reasonable expectation of privacy in her bedroom. It found also that Miller was properly detained after a third party notified the deputy sheriff that she was nearby and may have been leaving the scene. It concluded that, as a result of the proper detention, a deputy sheriff found narcotics and thus was justified in arresting her. The trial court ruled that a search of the safe was authorized by the warrant and that the deputy sheriff was entitled to search her purse containing the keys to that safe.

Responding to a renewed suppression motion, the trial court concluded that the search warrant was valid, that the deputy sheriffs had indicia to link Miller to the premises being searched, and that the safe was specifically mentioned in the warrant. It also found that the only issue in the case involved the safe key found in Miller's purse after a detention occurring after a neighbor pointed her out to law enforcement officers. The trial court specifically found that the detention of Miller was reasonable. Thus, her renewed suppression motion was also denied.

B. Standard of Review

When resolving a suppression motion, the trial court engages in a three-step process. First, the trial court finds the historical facts—it determines what the officer knew, believed or perceived and the action he or she took in response to that information. Next, the court selects the applicable rule of law. Third, the trial court

⁷ Miller concedes that the search warrant allowed the deputy sheriffs to search her bedroom.

applies the rule of law to the facts in order to determine whether the search was reasonable. (*People v. Williams* (1988) 45 Cal.3d 1268, 1301, cert. den. *sub nom. Williams v. California* (1989) 488 U.S. 1050.)

On appeal, we defer to the trial court on its findings of fact, whether express or implied. We are bound by the findings of the magistrate if those facts were supported by substantial evidence. (*People v. Williams, supra*, 45 Cal.3d at p. 1301; *People v. Trujillo* (1990) 217 Cal.App.3d 1219, 1223-1224.) The power to judge the credibility of witnesses, to resolve conflicts in the evidence, to weigh the evidence and to draw factual inferences is vested in the trial court. (*People v. Leyba* (1981) 29 Cal.3d 591, 596.) We construe the record in the light most favorable to the trial court's findings. (*People v. Woods* (1999) 21 Cal.4th 668, 673-674, cert. den. *sub nom. Woods v. California* (2000) 529 U.S. 1023.)

The trial court's second step—the selection of the appropriate rule of law—presents a pure question of law on which we exercise our independent review. (*People v. Williams, supra*, 45 Cal.3d at p. 1301; see *People v. Woods, supra*, 21 Cal.4th at pp. 673-674.) We determine anew which legal principles are relevant to the inquiry before us. (See *People v. Miranda* (1993) 17 Cal.App.4th 917, 922.) We independently determine whether—on the basis of the facts found by the trial court and supported by substantial evidence—the challenged seizure met the constitutional standard of reasonableness. (*People v. Leyba, supra*, 29 Cal.3d at pp. 596-597; *People v. Downing* (1995) 33 Cal.App.4th 1641, 1650, cert. den. *sub nom. Downing v. California* (1996) 516 U.S. 1120.) Federal constitutional standards apply when determining whether challenged evidence must be excluded. (*In re Lance W.* (1985) 37 Cal.3d 873, 886-887; *Miranda v. Superior Court* (1993) 13 Cal.App.4th 1628, 1631; see Cal. Const., art. I, § 28, subd. (d).)

The third step that the trial court must take—the process of applying the rule of law to the facts—presents a mixed question of law and fact. We review the trial court's determination on this point de novo, as is consistent with our responsibility to measure the facts as found by the trial court against the constitutional standard of

reasonableness. (*People v. Williams, supra*, 45 Cal.3d at p. 1301; *People v. Louis* (1986) 42 Cal.3d 969, 984-985.) Our function is to determine whether the trial court's ruling was correct, regardless of the propriety of the reasons that that court cited in support of its ruling. (*People v. Saucedo* (1995) 33 Cal.App.4th 1230, 1240, disapproved on other grounds in *People v. Cromer* (2001) 24 Cal.4th 889, 901 fn. 3.) With this standard in mind, we turn to an analysis of Miller's precise claim of error.

C. Discussion

Miller contends that the deputy sheriffs did not have a reasonable basis to stop and detain her. In this matter, one or two citizen informants told police that a woman in a passing vehicle lived at the house that the police were searching. Law enforcement officials followed that vehicle and soon found it parked nearby. The deputy sheriffs parked their vehicles in such a manner that Barker could have left without them having to move their cars. No weapons were drawn. Barker got out of the car and was questioned by a deputy sheriff. She admitted that the car had just been on Paradise Drive. She offered identification on request. During the initial conversation that Barker had with the deputy sheriff, Miller remained in the car. On request, Miller got out of her car and produced identification from her purse. After this brief encounter, the deputy sheriffs contacted Kelly, who had by then discovered a small amount of methamphetamine in Miller's bedroom. Learning from his fellow officers that Miller was with them, Kelly instructed them to arrest her for possession of a controlled substance.

We conclude that the trial court properly denied Miller's motion to suppress evidence seized as a result of this encounter. She contends on appeal that there was no reasonable suspicion to detain her, but the record on appeal establishes to our satisfaction that Miller was not detained. Ordinarily, a police officer may ask a person for identification without implicating the Fourth Amendment. (*Hiibel v. Sixth Judicial Dist. Court of Nev.* (2004) ___ U.S. ___, ___ [124 S.Ct. 2451, 2458]; *INS v. Delgado* (1984) 466 U.S. 210, 216; *Wilson v. Superior Court* (1983) 34 Cal.3d 777, 789, cert. den. *sub nom. California v. Wilson* (1984) 466 U.S. 944; *People v.*

Bouser (1994) 26 Cal.App.4th 1280, 1284, cert. den. *sub nom. Bouser v. California* (1995) 514 U.S. 1039 [if suspect agrees to talk, officer may obtain identification information and ask about why he or she is at certain location without implicating Fourth Amendment].) Thus, an officer need not have a reasonable suspicion sufficient to detain a suspect before asking questions or seeking identification. (*INS v. Delgado, supra*, 466 U.S. at pp. 216-217; *People v. Lopez* (1989) 212 Cal.App.3d 289, 291-292, cert. den. *sub nom. Lopez v. California* (1990) 493 U.S. 1074.) In this matter, the deputy sheriff did nothing more intrusive than ask Barker and Miller a few pertinent questions and obtain identification from them. Under the prevailing United States Supreme Court view, this police conduct did not constitute a detention and thus, the deputy sheriff was not required to have a reasonable suspicion in order to question and obtain identification from these two women.

One might argue that Miller did not feel free to leave in the face of the deputy sheriffs' questioning. A detention or Fourth Amendment seizure occurs when an encounter with police reaches the point when a reasonable person would not feel free to leave. (*INS v. Delgado, supra*, 466 U.S. at pp. 216-217; *Wilson v. Superior Court, supra*, 34 Cal.3d at p. 790; *People v. Lopez, supra*, 212 Cal.App.3d at p. 292.) However, even if we assume *arguendo* that a detention did occur in this matter, we would find that law enforcement officials had a reasonable suspicion to justify Miller's detention.

When a police officer has a reasonable suspicion that criminal activity may be afoot, that officer may stop and detain a person for further investigation. (*Terry v. Ohio* (1968) 392 U.S. 1, 30; *People v. Coulombe* (2000) 86 Cal.App.4th 52, 56.) Reasonable suspicion is a lesser standard than probable cause and is determined based on the totality of circumstances. A detention is deemed reasonable when an officer can point to specific articulable facts that—in the totality of the circumstances—offer some objective manifestation that the detainee may be involved in criminal activity. (*People v. Souza* (1994) 9 Cal.4th 224, 231; *People v. Coulombe, supra*, 86 Cal.App.4th at p. 56.)

In this matter, one or two persons who appeared to be neighbors pointed out Barker's vehicle and told police that it contained a woman who lived in the house that was then being searched. A citizen informant is presumed to be reliable, unless some circumstance exists that would cast doubt on his or her reliability. This inference of reliability arises because the informant acts openly, without any apparent ulterior motive and voluntarily identifies himself. (*People v. Superior Court (Meyer)* (1981) 118 Cal.App.3d 579, 584.) A tip given in person to a police officer allows law enforcement to observe the citizen informant face to face and evaluate his or her credibility. The citizen becomes subject to scrutiny and risks his or her anonymity by speaking directly to the police. (See *People v. Coulombe, supra*, 86 Cal.App.4th at p. 58.) The information may be considered reliable even if an officer did not learn the informant's name or address. Police may act on information received from such citizen informants even without a previous demonstration of reliability or subsequent corroboration. (*People v. Superior Court (Meyer), supra*, 118 Cal.App.3d at p. 584.) The exigency of a situation may justify police action on information that is of less than ideal quality. (*Id.* at p. 585.) Under these circumstances, a law enforcement officer may seek out a reported vehicle and detain its occupants for investigation. (See *ibid.*)

In the matter before us, the deputy sheriffs received information from one or two citizen informants. Under the circumstances, law enforcement officials were entitled to presume that the information was reliable. Less than a mile from the house, they found a parked car matching the description of the one seen driving by the scene of the search. The car contained two women, who answered questions and identified themselves on request. If this encounter rose to the level of a detention, then the citizen informant information provided a reasonable suspicion that a woman in the vehicle might be involved in the commission of a crime. (See *People v. Superior Court (Meyer), supra*, 118 Cal.App.3d at pp. 584-585.) In other words, if there was a detention, it was proper. As there was no illegal detention to taint the evidence found as a result of this law enforcement encounter with Miller, we

conclude that the trial court properly denied her motion to suppress the methamphetamine found inside her bedroom safe.

The judgment of conviction is affirmed.

Reardon, J.

We concur:

Kay, P.J.

Sepulveda, J.

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